

SEP 10 2009

Docket No. DEP5164USNP  
Serial No.: 10/673,826

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Voellmicke et al.                      Group Art Unit: 3731  
Serial No.: 10/673,826                      Examiner: Ramana, Anuradha  
Filed: September 29, 2003  
Title: Vertebroplasty Device Having A Flexible Plunger

## CERTIFICATE OF MAILING

I, Amy Pelletier, hereby certify that this correspondence is being transmitted via facsimile to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 at 571- 273-8300 on September 10, 2009.

/Amy Pelletier/ (signature)  
Amy Pelletier

Thomas M. DiMauro (name of Registered Representative)

**Renewed Petition for Revival of an Application for  
Patent Unintentionally Abandoned Under 37 CFR 1.137(b)**

Sir

In reply to the Notice of Abandonment mailed on May 19, 2009 and the Notice of Dismissal mailed on July 17, 2009, Applicants respectfully submit a proper Response to Non-Final Office Action and a Renewed Petition for Revival for consideration.

In the July 17, 2009 Decision on the petition, the petition was dismissed because (1) there was no statement that the delay was unintentional, and (2), the May 19, 2009 response was improperly in the form of an RCE.

Applicants respectfully request reconsideration of the Decision.

In this renewed petition, Applicants respectfully submit that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137 (b) was unintentional.

In addition, attached hereto is an amendment no longer in the form of an RCE.

09/10/2009 15:05 FAX 5089776978

DEPUY MITEK

SEP 10 2009

003

Docket No. DEP5164USNP  
Serial No.: 10/673,826

It is the understanding of the undersigned that an additional fee for this renewed petition is not required. However, if one is so required then please charge such fee ( or any required additional required fees) due to Deposit Account No. 10-0750/DEP5164USNP/TMD, but please do not pay any issue fees.

Respectfully submitted,

/Thomas M. DiMauro/  
Thomas M. DiMauro  
Attorney for Applicants  
Reg. No. 35,029  
Johnson & Johnson  
1 Johnson & Johnson Plaza  
New Brunswick, NJ  
(508) 880-8401